

## **REMARKS**

Applicants appreciate the decision to re-open prosecution and the thorough examination of the present application as evidenced by the Office Action of October 17, 2007 (hereinafter "Office Action"). In response, Applicants have amended each of the preambles of the computer program product claims to be directed to a computer-readable medium as recommended by the Examiner. Independent Claims 1, 33, and 57 have also been amended to correct an informality. Applicants respectfully submit, however, that the cited references fail to disclose or suggest, among other things, all of the recitations of independent Claims 1, 33, and 57. Accordingly, Applicants submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

### **Section 101 Rejection**

Claims 57 - 59 and 61 - 82 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office Action alleges that claims directed to a computer program product embodied on computer-readable media comprising code are non-statutory. (Office Action, page 2). While Applicants do not concede that claims directed to a computer program product embodied on computer-readable media comprising code is non-statutory, to advance prosecution and to facilitate an early allowance of the present application, Applicants have amended the preambles of Claims 57 - 59 and 61 - 82 so as to be directed to a computer-readable medium as recommended by the Examiner.

### **Independent Claims 1, 33, and 57 Are Patentable**

Independent Claims 1, 33, and 57 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 5,943,402 to Hamel et al. (hereinafter "Hamel") in view of U. S. Patent No. 6,442,243 to Valco (hereinafter "Valco"). (Office Action, page 2). Independent Claims 1, 33, and 57 are directed to a method, a system, and a computer readable medium, respectively. For example, independent Claim 1 recites:

providing at least one bookmark for a voice mail message by a caller leaving the voice mail message;  
wherein the at least one bookmark is used to mark one or more segments of the voice mail message as having one or more different degrees of importance.

Claims 33 and 57 include similar recitations. Thus, according to the independent claims, a caller leaving a voice mail message may provide one or more bookmarks of which at least one of the bookmark(s) is used to mark one or more segments of the voice mail message according to degree(s) of importance.

The Office Action acknowledges that Hamel does not disclose bookmarked segments having one or more different degrees of importance, but alleges that Valco provides the missing teachings. (Office Action, page 3). The Final Action cites the passage at column 12, lines 55 through 59 of Valco as disclosing that a caller may record a voice mail message and mark the message as urgent or private. (Office Action, page 2). The pending independent claims, however, describe marking one or more segments of a voice mail message as having one or more different degrees of importance. According to Merriam-Webster's Dictionary, 11<sup>th</sup> Edition, a segment is defined as "a separate piece of something." Thus, the pending independent claims describe marking one or more separate pieces of a voice mail message as having one or more different degrees of importance. Valco, by contrast, describes marking an entire voice mail message as urgent or private. Applicants can find no disclosure or suggestion in Valco with respect to marking one or more segments or separate pieces of a voice mail message as urgent or private.

In response to this argument, the Final Action acknowledges that Valco does not disclose or suggest marking specific segments of a voice mail message as having different degrees of importance, but cites Valco merely for the proposition that a file can be marked as important or not. (Office Action, page 11). Applicants submit, however, that the combination of Hamel and Valco does not teach the recitations of the pending independent claims as alleged in the Office Action, rather the combined teachings of Hamel and Valco merely teach that a voice message may be partitioned into segments using audible interrupts (Hamel, Abstract) and the **entire** voice message may be marked as urgent or private. (Valco. col. 12, lines 55 – 59).

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claims 1, 33, and 57 are patentable over Hamel in view of Valco, and that Claims 2 - 4, 6 - 32, 34 - 42, 44 - 56, and 58, 59, and 61 - 91 are patentable at least as they depend from an allowable claim.

#### **Various Dependent Claims are Separately Patentable**

Dependent Claims 2 - 4, 6 - 32, 34 - 42, 44 - 56, and 58, 59, and 61 - 91 are patentable at least as they depend from patentable independent Claims 1, 33, and 57. Applicants further submit, however, that various dependent claims are separately patentable for at least the reasons discussed hereafter.

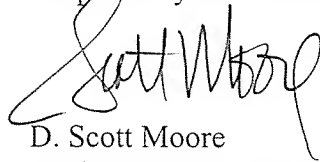
Dependent Claims 13, 45, and 70 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hamel in view of Valco. (Office Action, page 3). The Office Action does not address the recitations of these claims in detail. Applicants respectfully submit that neither Hamel nor Valco appear to contain any disclosure with respect to using labels or markers to mark a segment of a voice mail message as protected or confidential. The Office Action refers to the disclosure in Valco (col. 12, lines 4 - 7 and 55 - 59) that describes the ability to mark an entire voice message as private (Office Action, page 6), but Applicants submit that the combination of Hamel and Valco contains no disclosure or suggestion of marking only a segment of a voice mail message as private. Accordingly, Applicants submit that dependent Claims 13, 45, and 70 are separately patentable for at least these additional reasons.

#### **CONCLUSION**

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

In re: Kovals et al.  
Serial No.: 09/782,772  
Filed: February 13, 2001  
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Scott Moore". The signature is fluid and cursive, with the first name "D." being small and the last name "Moore" being larger and more prominent.

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